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Our Case No. 10022/578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Oyvind Stromme)	
)	Examiner: Con P. Tran
Serial No. 10/614,764)	
)	Group Art Unit No. 2615
Filing Date: July 7, 2003)	
)	
For: Sound Control Installation)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW AND INTERVIEW SUMMARY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the rejection that was mailed April 10, 2008 in the above-identified application. No amendments to the claims are being filed with this Request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

As a preliminary matter, Applicants appreciate Examiner Tran conducting an interview with Applicants' attorney on June 2, 2008. The claims and cited references were discussed, but no agreement was reached at this time.

Claims 1-20 are pending in the application. The Office Action rejects claims 1-2, 5-6, 8-13 and 16-20 as being unpatentable over M. Fukumoto et al., "Finger-pointing: Pointing Interface by Image Process" in view of Cohen-Solal et al. (U.S. Patent No. 7,028,269). Claims 3-4 and 14-15 are rejected as being unpatentable of Fukumoto et al. in view of Cohen-Solal and further in view of Lyman (U.S. Patent No. 4,303,836). Claim 7 is rejected as being unpatentable of Fukumoto et al. in view of Cohen-Solal and further in view of Pryor et al. (U.S. Patent No. 7,042,440).

II. The Office Action does not correctly address missing elements of the claims

The pending claims recite, among other things, "a system associated with the microphones checks that the origin of the sound is close to the position of the hand," which is not shown by any of the references, alone or in combination.

A. Independent Claims 1 and 12

Pending independent claim 1 recites a sound control installation including cameras, microphones, a control screen, a control device for positioning on the control screen a cursor in accordance with movements of a hand of a user, and a system associated with the microphones checks that the origin of the sound is close to the position of the hand.

Pending independent claim 12 recites a sound control installation for controlling an electrical unit, the sound control installation including a camera, a microphone, a control device, and a system associated with the microphone checks that the origin of sound is close to the position of the hand.

Fukumoto et al. discloses a three-dimensional interface which can recognize finger pointing actions and simple hand forms in real-time by processing image sequences of the actions and forms captured by cameras. The Office Action is correct

that Fukumoto et al. does not disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of the user.

Cohen-Solal et al. fails to fill the gaps. Cohen-Solal et al. discloses a multi-modal video target acquisition and re-direction system. The system uses video camera and microphones. A video camera targeting system uses the camera and microphones to locate and acquires targets using inputs characterizing the target: the inputs include (1) a pointing gesture and (2) a spoken identification of the target. Thus, the system is able to determine an object to which a user is pointing with their hand and which the user identifies by voice. The microphones can also be used to pinpoint the source of sounds from the target. Col. 8, lines 6-12.

But neither Cohen-Solal et al. nor Fukumoto et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of a user. Any pinpointing with microphones in Cohen-Solal refers to the target, the object being pointed to, not a hand of a user, doing the pointing. Also there is no consideration of where the hand is in relation to the sound. Since determining if the sound is close to the hand is completely missing from the references, Applicants request that a new reference be provided to support the rejections of the claims, or that the claims be allowed.

In addition, neither Cohen-Solal et al. nor Fukumoto et al. disclose or suggest a control device for controlling the at least one electrical unit when it is determined that the hand is positioned close to the origin of sound. Conversely, the claims recite the features of checking the origin of the sound with regard to a position of a hand of the user, and controlling the electrical unit based on the checking. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

Claims 1-11 further recite "positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras, and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit", which is also not disclosed or suggested by either Fukumoto et al. nor Cohen-Solal et al., either alone or in combination. Fukumoto et al. may disclose using a hand to position a curser (see e.g. Fig. 1) and using hand movements

to control an electrical unit (e.g. VCR) (see e.g. Fig. 15), but Fukumoto et al. does not disclose or suggest positioning a cursor to control an electrical unit when the cursor is on an image of the electrical unit. Cohen-Solal et al. fails to fill the gaps because it neither discloses nor suggests such a cursor or image of the electrical unit, nor controlling an electrical unit by placing the cursor on the image of the electrical unit. For at least these additional reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claims 3-4 and 14-15

Lyman discloses an audio silencer for radio and television sets. The silencer is adapted to suppress the audio output of a radio or television set during commercial breaks in a program. Neither Lyman, Fukumoto et al. nor Cohen-Solal et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of a user, a control device for controlling the at least one electrical unit in accordance with movements of a hand of a user detected by said cameras when the hand is positioned close to the origin of sound, or positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

C. Claim 7

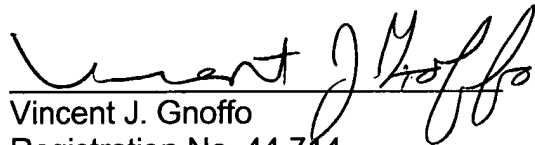
Pryor et al. discloses methods and apparatus for inputting position, orientation, or other object characteristic data to computers. Television cameras provide output that is analyzed and used as input to a personal computer. Neither Pryor et al., Fukumoto et al. nor Cohen-Solal et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of a user, a control device for controlling the at least one electrical unit in accordance with movements of a hand of a user detected by said cameras when the hand is positioned

close to the origin of sound, or positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

III. Conclusion

For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

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